IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9183 of 2005

Between:

1 Payyavula Ramappa @ Ramanna, S/o. Bhemappa,
R/O. PLOT NO. 33, Vidyut Nagar, Anantapur - 515 001.
2 Sri P. Radhkrishna, S/o. P. Ramanna,
R/O. PLOT NO. 33, Vidyut Nagar, Anantapur - 515 001.
3 Sri P. Bheemaswara, S/o. Ramanna,
R/O. PLOT NO. 33, Vidyut Nagar, Anantapur - 515 001.
4 Sri P. Jagan Mohan Prasad, S/o. P. Ramanana,
R/O. PLOT NO. 33, Vidyut Nagar, Anantapur - 515 001.

..... PETITIONERS

AND

1 The District Collector, Anantapur.
2 The Special Deputy Collector, (Land Acquisition Officer),
T.B.P., H.L.C. Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or a direction more particularly one in the nature of Writ of Mandamus directing the respondents to refer the matter to the court of law under Section 18 of Land Acquisition Act, 1894 and pass such other order or orders.

Counsel for the Petitioner: M/S C.KODANDA RAM

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides.

In this Writ Petition, petitioners are seeking a Writ of Mandamus, directing the respondents to refer the matter to the court of law under Section 18 of the Land Acquisition Act, 1894.

The grievance of petitioners is that even prior to passing of the award, the Special Deputy Collector had recorded petitioners' statement on 10.5.1996, where all the petitioners have raised the grounds as to the difference in market value per acre and the proposed compensation and to the valuation of the trees and other structures therein in the land propose to be acquired and clearly stated that they would receive the compensation 'under protest'. But the Special Deputy Collector passed an award on 19.5.1996 in the absence of the petitioners and the petitioners have received the cheques towards compensation under award on 29.3.1997 'under protest'. To support their contention they have filed a copy of the register maintained by the Special Deputy Collector at page No. 25. Though the petitioners have made several representations before the respondents to refer the matter to the Court, the respondents have not taken any action. Hence, the present Writ petition.

In the circumstances, I deem it appropriate to direct the respondents to verify the records and pass appropriate orders considering the claim of the petitioners to refer the matter to the competent Civil Court under Section 18 of the Land Acquisition Act, in accordance with law, within a period of eight weeks form the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 06.06.2005

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To

1 The District Collector, Anantapur.
2 The Special Deputy Collector, (Land Acquisition Officer),
T.B.P., H.L.C. Anantapur.

3. Two CCs to G.P for Revenue, High Court of A.P., Hyderabad. (OUT)

4. Two CD copies.